

**RULES OF PRACTICE
JEFFERSON QUARTERLY COURT
CIVIL DIVISION**

TITLE I.

Rule 1. This Court shall be one of continuous session.

TITLE II.

CALENDAR, DOCKET, RECESSES

Rule 2. The docket shall be called at 2:00 P.M. on Monday, Tuesday, Wednesday and Thursday of each week except during recess or holiday.

Rule 3. The Court may, by order or by agreement of the parties, set cases for hearing on motions, for trial or any other regular business on any day, or at any time.

Rule 4. In accordance with CR 78, Thursday of each week, except on a legal holiday, shall be known as Motion and Rule day. When such Motion day is a legal holiday, the following day shall be Motion and Rule day.

Rule 5. The Court shall recess two times during the year. During the months of July and August, except for Motion and Rule day, and between December 15th and January 2nd, the Court shall recess. Trials and hearings may be had during such recess if so ordered by the Court.

TITLE III.

MOTIONS, ORDERS AND JUDGMENTS

Rule 6. Motions may be made orally during the progress of trial in chief, but all other motions must be in writing.

Rule 7. When a motion for a judgment (including default judgments) is presented to the Court, a draft of the requested judgment shall be tendered therewith. Such judgment



ment shall not contain any other matter, nor shall it be combined with any motion.

Rule 8. So long as military affidavits are required, the same may be combined with the motion for judgment.

Rule 9. Motions for default judgments shall contain a certification that the movant has not been served with a defensive pleading, motion or paper.

Rule 10. All orders and judgments concerning which the Clerk must give notification shall contain a certification of counsel preparing same at the bottom of the last page thereof to the effect that it is an order or judgment of which the Clerk is required to serve notice under 77.04 CR.

Rule 11. The movant of any matters before the Court will give the Clerk reasonable notice before Court convenes of such matters so that the record may be delivered to the Court by the Clerk. 1:00 P.M. of the day on which the matter is to be presented to the Court shall be considered reasonable notice to the Clerk.

Rule 12. Motion for default judgment may be submitted to the Court without placing the action on motion docket.

TITLE IV.

APPEALS FROM MAGISTRATE COURTS

Rule 13. No appeal shall be filed after the expiration of 30 days from the date of the entry of the original judgment.

Rule 14. Upon the filing of a certified copy of the judgment of the Magistrate's Court, which shall reflect the costs in such court, and upon the execution of the bond required by Rule 72.01 CR, the Clerk shall issue a summons for the appellee to be summoned either actually or constructively as provided by Rule 4 CR.

Rule 15. All steps on appeal cases shall be by notice under the Rules of Civil Procedure. After appeal has been perfected the action shall stand ready for trial, upon assignment of action, and shall be tried de novo upon original pleadings. No pleading shall be filed thereafter except through leave of Court.

TITLE V.

PLEADINGS, BRIEFS AND DEPOSITIONS

Rule 16. The caption of each original complaint and intervening complaint shall show the address, if known, of each party.

Rule 17. At the time of the filing of the Complaint, a copy thereof for each defendant named in the complaint, shall be filed therewith, to be withdrawn by the defendant or his attorney, and at the time of the withdrawal the receipt of the copy shall be indicated by the party withdrawing by endorsing on the file the receipt thereof.

Rule 18. All other pleadings and motions shall be served upon the defendant or his attorney as required by Civil Procedure Rules.

Rule 19. The answer is required to be served within 20 days after service of summons unless a motion is filed as set out in 12.01 CR.

Rule 20. Answers to cross-claims must be filed within 20 days after service.

Rule 21. Motions permitted by Rule 12 CR suspend time; parties usually have 10 days after adverse rulings of Court to respond. For motions other than those provided by Rule 12 CR, parties must refer to Rule 12.01 CR.

Rule 22. Reply to a counter-claim in an answer, or where a reply is ordered by the Court, must be served in 20 days. Where ordered by Court, the Clerk shall give notice under Rule 77.04 CR, and Rule 10, Title III hereof complied with.

Rule 23. Amendment may be made as a matter of right before responsive pleadings are filed, or, if no responsive pleading is permitted, within 20 days after the last pleading; otherwise by Court order.

Rule 24. Responsive pleading to amended pleading must be filed within 10 days, or within original time to respond, if longer.

Rule 25. Upon the motion of any party, supplemental pleadings, time for service, and time to plead thereto may be had

under Rule 15.04 CR.

Rule 26. When briefs are ordered, the same shall be filed with the Clerk within 10 days. Opposing counsel shall then have 10 days to reply thereto after service.

Rule 27. The rules of the Jefferson Circuit Court pertaining to depositions shall be applicable to this Court.

TITLE VI.

JURY TRIALS

Rule 28. The parties shall not be entitled to a jury trial unless the matter in controversy exceeds in value \$20.00. (KRS 25.035).

Rule 29. Party desiring jury trial shall, at time of motion to assign, make motion for jury trial, otherwise right to trial by jury shall be waived.

Rule 30. The cost of the jury shall be paid by the party demanding the jury and taxed as costs against the unsuccessful party. (KRS 29.410).

Rule 31. At least one day prior to the trial by jury the party demanding a jury shall deposit with the Clerk the sum of \$9.00 for jury fee.

Rule 32. Written instructions shall be tendered to Court in compliance with CR 51.

TITLE VII.

RETURN OF PROCESS AND EXECUTIONS

Rule 33. The first Monday of each month shall be Return Day for Executions.

Rule 34. Subpoenas shall be returned to the Clerk's office no later than the day preceding trial day of the action, unless otherwise ordered by Court.

Rule 35. Rules shall be returned to the Clerk within 24 hours after service, but in no event later than 1:00 P.M. of return day specified.

TITLE VIII.

MONEY PAID INTO COURT

Rule 36. All money paid into Court shall be paid to the Clerk of the Jefferson Quarterly Court, received by him, and by him deposited into the approved depository. Money paid into Court may be withdrawn by COURT ORDER and not otherwise. The WITHDRAWAL ORDER shall specify the amount to be withdrawn and the payee. The payee shall be the party entitled to the amount withdrawn, except the Court in order to protect an attorney's lien, or otherwise in the furtherance of justice, or for the convenience of administration, may order payment to an attorney of record. The Clerk shall not pay such money to any attorney unless such attorney is so authorized by name in the ORDER OF WITHDRAWAL. Such ORDER may issue on MOTION without NOTICE.

TITLE IX.

**PERSONAL APPEARANCE ON BILL OF
DISCOVERY OR SUPPLEMENTAL PLEADING**

Rule 37. The appearance of a party may be compelled through the following methods of discovery:

(a) Upon notice mailed to the party for his appearance before a person authorized to administer oath on a given day at a specific time and place in accordance with Civil Rule 69;

(b) By subpoena issued by the Clerk as provided for in Civil Rules before a person authorized to administer oath at a specific time and place;

(c) By an Order of Personal Attendance issued by the Clerk and returnable before the Court on any motion day as provided in KRS 426.381.

Rule 38. For contempt in failing to appear as directed by any method in Rule 37 upon motion and order, an Order of Personal Attachment may issue by the Court, returnable on any motion or rule day.

Rule 39. For contempt in failing to appear as ordered by an Order of Personal Attachment as set out in Rule 38, the ap-

pearance of the party may be compelled by an Order of Forthwith Attachment issued by the Clerk upon order of the Court.

Rule 40. Whenever a defendant has appeared and has been examined under oath on a discovery or disclosure proceeding upon a judgment, such person shall not be compelled to appear again within three (3) months unless an affidavit is filed by counsel showing a change of conditions or circumstances warranting same.

